

from our Democratic colleagues' initial position. It is good to see our Democratic friends compromise.

Another amendment is from Senators CORNYN and JOHNSON. Their enhanced approach builds upon the appropriators' work by responsibly offsetting Zika funding with funds that have been set aside for public health and prevention purposes. It would also remove redtape and help promote mosquito control, which is the best way to keep Americans safe from this virus in the near term while a vaccine is under development. The House is also advancing its own paid-for Zika measure this very week.

So we will take several votes today. We will continue moving forward with the appropriations process, and we will address Zika funding in that context because keeping Americans safe and healthy is a top priority for all of us.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

INTERNATIONAL DAY AGAINST HOMOPHOBIA AND TRANSPHOBIA

Mr. REID. Mr. President, today is International Day Against Homophobia and Transphobia. This day of recognition is especially significant for America since the civil rights of transgender Americans are at the forefront of an important national debate. At its core, the debate comes down to a simple question: With whom do we stand? Do we stand with the bullies or do we stand against the bullies? Do we stand up for the bullies or against the bullies? Do we defend the persecutors or do we come to the defense of the persecuted?

These are the questions posed to us, and they should be. These are the questions posed to us by what is happening in North Carolina and the law there that undermines the civil rights of transgender Americans.

During a 1-day special session in March, the North Carolina legislature rammed through a controversial law that strikes down local antidiscrimination ordinances. The actions taken by North Carolina's legislature and Governor are nothing short of State-sponsored discrimination against transgender individuals. The law is clearly and completely illegal. It is in direct opposition to Federal civil rights statutes prohibiting discrimination on the basis of sex.

The Federal courts have made it clear that sex discrimination under the Civil Rights Act covers transgender individuals. This goes back to 1989, when the Supreme Court ruled in *Price Waterhouse v. Hopkins* that sex discrimination includes sex stereotyping under title VII of the Civil Rights Act of 1964. Relying on the Supreme Court's ruling in that case, appellate courts have concluded that discrimination

against transgender people is prohibited when it is based on gender nonconformity.

That is why last week the Department of Justice sued North Carolina, finding that its law constitutes a pattern or practice of discrimination under the Civil Rights Act, the Education Amendments Act of 1972, and the Violence Against Women Act, which we passed just last year.

This kind of shocking discriminatory lawmaking has no place in the 21st century. It certainly has no place in America. Attorney General Loretta Lynch said last week:

This is not the first time we have seen discriminatory responses to historic moments of progress for our nation. We saw it in the Jim Crow laws that followed the Emancipation Proclamation. We saw it in fierce and widespread resistance to *Brown v. Board of Education*. And we saw it in the proliferation of state bans on same-sex unions intended to stifle any hope that gay and lesbian Americans might one day be afforded the right to marry.

This issue has been far-reaching. It has far-reaching consequences. This is about access to employment, education, and just about everything else in public life. This is about whether we are going to allow our fellow citizens to be bullied, intimidated, and harassed.

The North Carolina law is not only wrong, but it runs counter to the progress we are seeing in States and cities across all of America. Right now, 18 States and approximately 200 cities have laws on the books to protect transgender individuals in being able to use the restroom that matches their gender identity.

Take, for example, what happened in Reno, NV, just last year. Reno, NV, is in Washoe County. It is the second largest school district in Nevada. In February 2015, in response to concerns from parents and students, the Washoe County School District issued policies to help foster a healthy and inclusive environment for transgender students.

The Washoe County School District developed thoughtful and common-sense policies that allow all students in Washoe County to have access to all school programs and activities. It was the first district in Nevada to do so. In the year since those regulations were adopted, schools across the district have reported few, if any, concerns about the new policies.

North Carolina leaders need to learn from Washoe County. They need to learn a thing or two about tolerance, as exhibited by the students and, yes, the adults across Washoe County.

North Carolina is already paying a severe price for its discriminatory law, and more is yet to come. Hundreds of America's biggest and most prestigious corporations and organizations have already come out in firm opposition to the law—companies such as Google, Bank of America, Starbucks, and Pfizer. You have major businesses that don't want to do business there. You have entertainers who won't perform

there, such as Bruce Springsteen. But it is not just that. It is hundreds—hundreds—of other firms that are coming out in opposition to the law because what they are doing is illegal.

But Republican leaders are standing by their bigotry at a tremendous cost to the State, and that is disappointing. I stand with the administration in opposing the North Carolina law. I stand with all Americans against this shameful bullying. Most of all, I stand with the transgender people of North Carolina and our country who are the targets of this State-sponsored discrimination. My heart goes out to them.

This is not how a great nation should operate. We are better than this. So I look forward to the day, and it is coming soon, when this hateful law is struck down.

ZUBIK V. BURWELL

Mr. REID. Mr. President, yesterday, the Supreme Court chose not to rule on the merits of *Zubik v. Burwell*, a case brought by religiously affiliated non-profit employers challenging the accommodation to the Affordable Care Act's contraceptive coverage provision. Instead, the Court remanded the case to lower courts for further proceeding.

The good news is that the order doesn't stop women who rely on the Affordable Care Act for contraceptive coverage from getting the services they need while the legal process plays out. But this remand highlights that the Supreme Court cannot properly do its job until we do ours here in the Senate. We must give Judge Merrick Garland a hearing and a vote so the Supreme Court can become fully functioning again.

There have been numerous cases that have been determined differently because of a 4-to-4 split. A number of them are just tied 4-to-4. A number of them have been remanded back to lower courts without action.

The Supreme Court to do its job needs nine—nine—Justices. So I hope the time is coming quickly when American women will know once and for all that their bosses can't interfere with their health care decisions, and I am confident the courts will ultimately do the right thing and uphold the Affordable Care Act's accommodation to the contraceptive coverage provision. Until that time, though, Senate Democrats will continue to watch this matter very closely and do everything in our power to defend access for women to birth control measures that they feel appropriate.

Mr. President, I think it is such a blight on the Senate that we are not doing anything to fill that ninth spot. It needs to be done, and it needs to be done quickly. Justice is being delayed. Justice is not being served.

I see my friend from Montana is on the floor. I ask the Chair, prior to his being recognized, to tell the Senate what we are going to do today.